

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DANA A. MCCANN,

v.

JO ANNE B. BARNHART, Commissioner of Social
Security

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3:03-0462

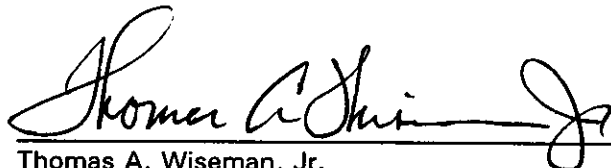
ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Griffin wherein she recommends reversal of the Administrative Law Judge and award of Disability Insurance Benefits ("DIB") beginning November 12, 2001. The Plaintiff has filed a rather confusing objection in which she requests both Disability Insurance Benefits ("DIB") and Supplemental Security Income ("SSI") benefits.

This Court approves the Report and Recommendation of the Magistrate Judge awarding DIB benefits back to November 12, 2001. The Court assumes that any SSI benefits drawn during the succeeding period will be credited against the back pay due under this award of DIB benefits. Both benefits cannot be awarded simultaneously.

The Plaintiff's Motion for Judgment on Pleadings or Administrative Record, Document #12, is GRANTED in part, the Defendant's Motion for Judgment on the Administrative Record, Document #14, is DENIED in part, and the matter is **REMANDED** to the Secretary for award of benefits consistent with this Order.

IT IS SO ORDERED.



Thomas A. Wiseman, Jr.
Senior U.S. District Judge